

REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and reconsideration of the Office Action dated March 16, 2004. Upon entry of this Amendment, claims 2-10 will be pending in this application.

It is noted that Claims 11 and 12 stand withdrawn from further consideration as being directed to a non-elected invention. Applicant reserves the right to file a divisional application with respect to the non-elected subject matter.

The allowance of Claim 10 is noted with appreciation.

In the Office Action, the Examiner determined that Claims 2, 4, and 7 define allowable subject matter if rewritten in independent form. Accordingly, the applicant has amended Claims 2 and 7 to each incorporate the subject matter of the base claim, Claim 1. Dependent Claim 4 thus includes the subject matter of Claim 1 and intervening Claim 2. Consequently, Claim 1 has been canceled.

Claims 5 and 8 have been amended to each incorporate the subject matter of Claims 1 and 2. Dependent Claim 6 thus includes the subject matter of Claim 1 and intervening Claims 2 and 5. Consequently, Claims 5, 6, and 8 are allowable for the same reasons given by the Examiner for the allowability of Claim 2 if rewritten in independent form.

With respect to Claim 3, the Examiner's rejection of Claim 3 under 35 U.S.C. § 102(b) as anticipated by *Larkin* (U.S. Pat. No. 3,954,359) is traversed and reconsideration is respectfully requested. Applicant submits that *Larkin* fails to disclose an apparatus wherein each of the first and second slip form mold portions has a top wall. Specifically, Applicant

submits that the trailing section of the slip form mold described by *Larkin* does not include a top wall.

As shown in Figure 15, and discussed in col. 6, lines 6-35, the slip mold 90 of the *Larkin* apparatus includes a front forming section 91 and a rearward trailing section 92. The only portion of the slip mold 90 that includes a top wall 96 is the mold section 94 of the front forming section 91. The top wall 96 is shown in Figure 15 and described in col. 6, lines 17-18, as terminating short of the rear ends of the side walls 95 of the front forming section 91.

The rearward trailing section 92 of the *Larkin* apparatus does not include a top wall (col. 6, lines 34-35). Although the Examiner cites to Figure 19 as showing the rearward trailing section 92 having a top wall, Applicant respectfully submits that Figure 19 shows an inverted U-shaped yoke 102 which spans across the top of the space between the side plates 101 of the rearward trailing section 92. As described in col. 6, lines 27-35, the rearward trailing section 92 of the *Larkin* slip mold 90 includes a pair of side plates 101 that are held apart by a series of inverted U-shaped yokes 102 and does not include a "top forming plate," or top wall.

Consequently, applicant submits that *Larkin* fails to establish anticipation of the invention claimed by Claim 3 wherein each of the first and second slip form mold portions has a top wall. Claim 3 has thus been rewritten in independent form to incorporate the subject matter of Claim 1 and is believed to define allowable subject matter for the reasons stated above.

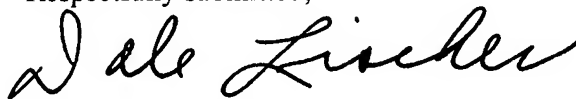
With respect to Claim 9, in the Office Action, the Examiner determined that Claim 9 defines allowable subject matter if rewritten in independent form. Because amended Claim 3

is patentably distinguishable over the cited reference for the reasons stated above, Claim 9 is also patentable.

Applicant respectfully submits that this Amendment obviates the outstanding rejections in this case and places the application in condition for allowance. Allowance of this application is earnestly solicited.

Additional claim fees for one (1) independent claim in excess of three (3) are filed concurrently herewith as a result of this Amendment. If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 041008.008. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 041008.008. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 041008.008.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale Lischer". The signature is fluid and cursive, with the first name "Dale" and last name "Lischer" clearly distinguishable.

Dale Lischer, Reg. No. 28,438

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